

PATENT COOPERATION TREATY

06

From the
INTERNATIONAL SEARCHING AUTHORITY

期限: / 月 5 日

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2005/004139

International filing date (day/month/year)
03.03.2005

Priority date (day/month/year)
05.03.2004

International Patent Classification (IPC) or both national classification and IPC
G01N35/04, G01N35/02

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2005/004139

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-11, 13
	No: Claims	1,12, 14, 15
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1) Although apparatus claims 1 and 15 and method claims 12 and 14 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

as a service to the applicant a detailed opinion for the independent claims 1 and 12 will be give, in order to expedite the procedure; but not for the claims 14 and 15 considered as equivalent to 1 and 12 (therefore the same arguments apply for this claims).

2) Reference is made to the following document:

D1: NL-C2-1 019 563 (LABIRON SYSTEMS B.V) 17 June 2003 (2003-06-17)

2) The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document):

An apparatus of supplying and containing a micro-plate, comprising:
a first stock portion (31, the upward part), including: a first support member, supporting a plurality of micro-plates in a stacked state from a lower side; and a support release mechanism, changing the first support member into a state of not supporting the micro-plates (102, 103, 104, pag 8, line 7-23);
a second stock portion (31, the downward part), including a long vertical length arranged on a lower side of the first stock portion in series in an up and down direction;
a second support member (100, the lift), supporting the plurality of microplates in the

stacked state from a lower side at an inner portion of the second stock portion;
a moving up and down mechanism (100, the lift), moving up and down the second support member;
a micro-plate carrying unit (39, pag 7, line 2-10 and col 9, line 15-23), carrying the microplate disposed at a micro-plate carry out level set at the second stock portion to outside and mounting the microplate to the second support member from the outside;
a micro-plate supplying operation processing unit, making the support release mechanism and the moving up and down mechanism execute an operation of moving up the second support member and lifting the microplates in the stacked state supported by the first support member by the second support member to switch to mount on the second support member, thereafter, changing the first support member into a state of not supporting the microplates, thereafter, moving down the second support member and moving the plurality of micro-plates in the stacked state to the second stock portion, and disposing a micro-plate at a uppermost stage in the stacked state to the micro-plate carry out level by controlling a height position of the second support member (fig 2, 3 and 4); and
a micro-plate containing operation processing unit, making the moving up and down mechanism execute an operation of moving up the second support member mounted with the micro-plate delivered by the microplate carrying unit to a height of capable of supporting the micro-plate by the first support member and thereafter, supporting the micro-plate by the first support member by moving down the second support member (pag 8, line 7 to pag 9, line 23, and fig 2 to 4).

2.1) The subject-matter of claim 12 is not new, because it is the corresponding method claim of the apparatus claim 1, which is not new over D1, therefore claim 12 is also not new under the requirements of Art 33(2) PCT, mutatis-mutandis.

3) Dependent claims 2-11 and 13 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, as they are considered as merely several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed. Therefore they do not meet the requirement of Art 33(3) PCT.

**WRITTEN OPINION OF THE
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AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/JP2005/004139